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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2006-08-04 PM 3:20

U.S. DISTRICT COURT

DONALD C. HUTCHINS

Plaintiff

v.

CARDIAC SCIENCE, INC., et. al.,

Defendants

Civil Action: **04-30126-MAP**

**MEMORANDUM OF LAW IN SUPPPORT OF
PLAINTIFF'S MOTION FOR SANCTIONS UNDER LOCAL RULE 1.3**

The Plaintiff, Donald C. Hutchins ("Hutchins") files this memorandum in support of the Plaintiff's Motion for Sanctions as appropriate against Defendants' Counsel under Local Rule 1.3. Recent disclosures produced by the Compliant Corporation ("Compliant") are the basis for these sanctions.

BASIS FOR SANCTIONS

A. As early as August 16, 2004 Defendants' counsel conspired against Hutchins.

Defendants' log of billing lists a conference between Attorney Coughlin representing Compliant and Attorney Skaar representing the Aristotle Corporation ("Aristotle") on August 16, 2004. The subject of this conference was Hutchins' Complaint in patent infringement CA 04-30126 as per Exhibit A attached. A series of entries in the log record the continuing conspiratorial relationship between Attorney Skaar, Cardiac Science Inc., the Aristotle Corp., the Lindseths and the Compliant Corporation throughout this action.

B. On August 11, 2004 Aristotle purchased the CPR Prompt product line from Cardiac Science, Inc.

The 2004 Annual Report of the Aristotle Corporation herein attached as Exhibit B, indicates that on August 11, 2004 Aristotle purchase the CPR product line from Cardiac Science, Inc.

C. The Transcript of Hearing held before the Honorable Michael A. Ponsor shows that Defendants' Counsel deceived the Court.

Pages from the Transcript of a Hearing held September 9, 2004 herein attached as Exhibit C. show that Defendants' counsel withheld evidence and deceived the Court

Page 3: "MR. SKAAR: Randle Skaar for Cardiac Science."

Correction Attorney Skaar was actually representing Aristotle who had purchased Hutchins' intellectual properties from Cardiac Science per Exhibit B.

Page 28: "CPR Limited Partnership actually holds the IP assets of Mr. Hutchins, among other things."

Correction: Attorney Skaar mislead the Court because he knew that Aristotle purchased the IP assets per Exhibit B.

Page 29: "They call themselves a corporation . . . it is complicated but I don't think it's relevant to what is going on today"

Correction: Attorney Skaar knew that the distinction between the Compliant Corporation and CPR LP was an important basis for this litigation. Despite this knowledge he conspired with the Compliant group to obstruct justice by encouraging Compliant to file in Ohio.

Page 36: "Cardiac Science continues to pay him royalties under the very same agreement."

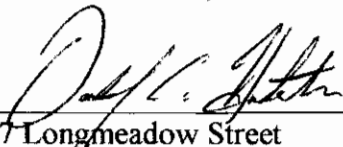
Correction: Attorney Skaar knew that Hutchins had received no royalty payment since the transfer in 2003. He also knew that Cardiac Science had sold Hutchins' properties to Aristotle Corp. and that Aristotle has never paid royalties, contacted Hutchins or lived up to the 1994 Agreement. Attorney Skaar withheld this valuable information from Hutchins and the Court in his effort to obstruct justice.

CONCLUSION

For all of the foregoing reasons, the Plaintiff respectfully requests that this Honorable Court apply sanctions as appropriate against Defendants' Counsel

The Plaintiff
Donald C. Hutchins, Pro Se

Dated, August 4, 2006

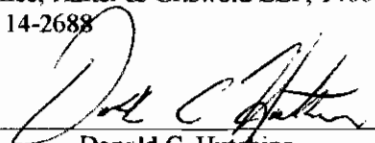


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CERTIFICATE OF SERVICE

I, Donald C. Hutchins, 1047 Longmeadow Street, Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate party by sending a copy by first class mail to: Randall T. Skaar, Esq., Patterson, Thunte, Skaar & Christensen, P.A., 4800 IDS Center, 80 South Eighth St., Minneapolis, MN 55402. Paul T. Rothschild, Esq., Bacon & Wilson P.C., 33 State Street, Springfield, MA 01103 John J. Egan, Esq., Egan, Flanagan and Cohen, P.C., 67 Market Street, Springfield, MA 01102-9035, Jeffrey Lauderdale, Esq., Calfee, Halter & Griswold LLP, 1400 Mc Donald Investment Center, 800 Superior Ave., Cleveland, OH 44114-2688

Dated: 8/4/06



Donald C. Hutchins